

From: [Castillo, Jairo](#)
To: [Sayre, Dennis](#)
Cc: [Castillo, Jairo](#)
Subject: RE: Requesting Divisional Input for J.W. Class and Others Control Subject: Request for EPA to use their emergency powers re: issues at New Wales Phosphogypsum Stack
Date: Thursday, August 11, 2022 2:43:00 PM

Thanks, I'll share your assessment with Mary Jo, and will wait for the next steps.

Jairo Castillo-Valenzuela, P.E., Chief
Wastewater Enforcement Section
Water Enforcement Branch
Enforcement & Compliance Assurance Division
USEPA Region 4
61 Forsyth St SW #9
Atlanta, GA 30303
404-562-9257 (Office)

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From: Sayre, Dennis <Sayre.Dennis@epa.gov>
Sent: Wednesday, August 10, 2022 12:56 PM
To: Castillo, Jairo <Castillo.Jairo@epa.gov>
Subject: RE: Requesting Divisional Input for J.W. Class and Others Control Subject: Request for EPA to use their emergency powers re: issues at New Wales Phosphogypsum Stack

The complainants are asking two separate action in this complaint:

1. For the Administrator to invoke Section 504, Emergency Powers Act. Whether the complainants have shown in their complaint enough evidence to invoke emergency powers is a determination for upper management to make in council with ORC. They base their argument on past sink holes experienced at the facility. There's nothing for WES to do here.
2. Revoke NPDES permit FL0036421, issued to Mosaic Fertilizer, LLC, which expired on 7/30/2023. Mosaic Fertilizer owns and operates the **New Wales phosphogypsum stacks**. ECHO reflects no CWA violations for the past 12 quarters. FL0027600, FL0036421, and FL0178527. The permit in question shows the last effluent violation in June 2018 (WET test). There's nothing for ECAD to do here, it's a permitting issue. One violation in 2018. The remaining effluent violations have surpassed the statute of limitations, and would likely to have not rose to the level of federal enforcement involvement.

I believe that the attached letter is accurate.

Dennis Sayre: Inspector: Environmental Engineer
404.562.9756 (office)

From: Castillo, Jairo <Castillo.Jairo@epa.gov>

Sent: Tuesday, August 9, 2022 3:47 PM

To: Sayre, Dennis <Sayre.Dennis@epa.gov>

Cc: Castillo, Jairo <Castillo.Jairo@epa.gov>

Subject: FW: Requesting Divisional Input for J.W. Class and Others Control Subject: Request for EPA to use their emergency powers re: issues at New Wales Phosphogypsum Stack

FYI.

Jairo Castillo-Valenzuela, P.E., Chief
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From: Bragan, Mary Jo <Bragan.Maryjo@epa.gov>

Sent: Thursday, August 4, 2022 8:42 AM

To: Castillo, Jairo <Castillo.Jairo@epa.gov>

Subject: FW: Requesting Divisional Input for J.W. Class and Others Control Subject: Request for EPA to use their emergency powers re: issues at New Wales Phosphogypsum Stack

From: Newman, Keriema <Newman.Keriema@epa.gov>

Sent: Wednesday, August 3, 2022 6:35 PM

To: Bragan, Mary Jo <Bragan.Maryjo@epa.gov>; Bingham, Kimberly <Bingham.Kimberly@epa.gov>

Cc: Lamberth, Larry <Lamberth.Larry@epa.gov>; Ward, Nacosta <Ward.Nacosta@epa.gov>

Subject: FW: Requesting Divisional Input for J.W. Class and Others Control Subject: Request for EPA to use their emergency powers re: issues at New Wales Phosphogypsum Stack

Mary Jo/Kimberly

Please find this control concerning New Wales Phosphogypsum Stack. We need to provide input related to the use of a RCRA 7003 and CWA 504. I will check around to find out if there have been any recent responses out of OEEO related to this topic to find out what has been communicated by the region. This has a short suspense of 8/8/22 at noon.

From: Hudson, Wanda <Hudson.Wanda@epa.gov>

Sent: Wednesday, August 3, 2022 4:03 PM

To: Jones, Erica <Jones.Erica@epa.gov>; Allenbach, Becky <Allenbach.Becky@epa.gov>; Miller, Latoya <Miller.Latoya@epa.gov>; Haley, Vicki <Haley.Vicki@epa.gov>; Newman, Keriema <Newman.Keriema@epa.gov>; Brown, Enjoli <Brown.Enjoli@epa.gov>

Cc: Zapata, Cesar <Zapata.Cesar@epa.gov>; Thomas, Chris <Thomas.Chris@epa.gov>; Hesterlee, Craig <Hesterlee.Craig@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Ward, Nacosta <Ward.Nacosta@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>

Subject: Requesting Divisional Input for J.W. Class and Others Control Subject: Request for EPA to use their emergency powers re: issues at New Wales Phosphogypsum Stack

Importance: High

I have received several request for reassignment to the attached control from J.W. Glass and other Environmentalist. Therefore, OEEO will take the lead and I will compile the responses from each division.

Some of the issues that need a response are, but not limited to:

WD address any NPDES, other permitting, and clean water issues

LCRD address EPA using Section 7003 RCRA to prevent discharge to groundwater & the possibility of phosphogypsum and the water that it processes being exempt from RCRA's hazardous waste regulations

ECAD address EPA using 504 CWA to address any clean water or groundwater violations

If you see any other issues that you program can provide input to please do so.

I have also attached the last letter that we received from Brett Hartl on the same subject, that you may want to use as a reference.

Deadline for turning in your input will be noon Monday, August 8, 2022.

Thanks all

Wanda E. Hudson

Correspondence Specialist

Public and Governmental Affairs Section

Outreach & External Engagement Office

(404) 562-9351